IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 34623 of 2006(V)

PETITIONER:

ANOOP S.KUMAR,
POOTHAMPALLYPARAMBU HOUSE, EAST OF MOSQUE,
KOMBARA, KOCHI-18.

BY ADV. SRI.S.SUDHISH KUMAR

RESPONDENTS:

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1. E.J. JAMES,
ELANJIKKAL HOUSE, AUTOMOBILE ROAD,
PALARIVATTOM, ERNAKULAM, KOCHI.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.THOMAS JOHN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.NO.34623 OF 2006

Dated this the 15th day of January, 2007.

JUDGMENT

The petitioner has been found guilty, convicted and sentenced in 4 separate prosecutions under Section 138 of the N.I Act. A joint trial was conducted and the petitioner has been found guilty, convicted and sentenced in all the 4 prosecutions. The total amount involved is Rs.3.3 lakhs. The appellate court directed suspension of sentence in these 4 cases on condition that the petitioner deposits a total amount of Rs.1,15,000/-. The petitioner has come to this Court with the grievance that the condition imposed that part of the amount (ie. Rs.1.15 lakhs in all) must be deposited as condition for suspension is too harsh and onerous. Another Bench of this Court on 29.12.06 granted the petitioner time of 2 weeks from 30.12.2006 to pay the amount. The petitioner has come up again before this Court for a direction for extension of time. Time for deposit may be extended for a further period of one month from this date. That is the short prayer now raised before me.

2. In the circumstances, I am satisfied that the petitioner can be granted time till 15.02.2007 to pay the amount. I am

satisfied, that this Writ Petition can in these circumstances be allowed in part granting the petitioner time till 15.02.2007 as prayed for to pay the amount and to get the sentence suspended.

3. This Writ Petition is, in these circumstances, allowed in part, to the above extent. In case the petitioner is not able to raise the amount, he may sufficiently early - within a period of 7 days from this date, request the learned Sessions Judge to dispose of the appeals and the learned Sessions Judge must in that event proceed to dispose of the appeals within a period of one month from this date.

4. Hand over a copy of this order to the learned counsel for the petitioner for immediate production before the learned Sessions Judge.

R.BASANT
JUDGE

rtr/